

EXHIBIT C

Town of Lynnfield, Massachusetts

PLANNING BOARD
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October 20, 2003




To: Town of Lynnfield
2003 Special Town Meeting

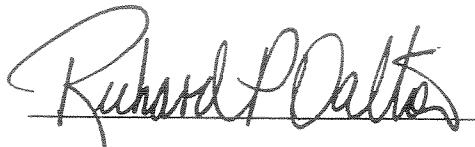
Subject: Recommendation of the Lynnfield Planning Board Relative to Article 11
Amending Town Bylaws by adding Section 27 to Chapter Five, Section II

In accordance with the requirements of the Town Charter, The Planning Board has considered Article 11 and voted to recommend indefinite postponement of the Article to the Special Town Meeting.

Respectfully submitted,

LYNNFIELD PLANNING BOARD




Lynnfield Planning Board Meeting
October 8, 2003

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4. Discussion Article 11 To Amend Town Bylaws proposed Diesel Fuel Bylaw

The petitioner, **Carl LaGreca, 27 Bluejay Road** submitted a handout and stated he is asking the Board for their support. He read from a written statement (LaGreca did not leave a copy of statement) – diesel emission are numerous, health problems include cancer, heart disease etc. – this bylaw would reduce emission, help solidify the town, and noted he has 1,000 signature petition from last year, why would we want diesel fuel facility – found none. Hill asked if receiving goods from diesel truck would no longer get delivery from them, LaGreca responded no; the Board of Health has reasonable regulations. O’Neil concerned about language and use of some terms, vague, questioned if there is a regulation in place for BOH guidance - LaGreca responded yes and read town of Littleton bylaw, and stated Bill Gustus (Town Administrator) and Town Counsel helped with verbiage and were okay with it and the Atty. General did not help with verbiage but okay. Hill thinks needs to be more specific and O’Neil agrees. Sullivan emphasized the key is to present the bylaw the right way at town meeting. LaGreca noted MGL 81 Public Health Noisome Trades, Chapter 11 S31C. Hill questioned if the BOH can be very arbitrary; LaGreca responded BOH has guidelines and continued stating first saving peoples lives, protecting citizens, kill zone 600 – 900 feet out from trucks/buses 1) gaseous diesel and 2) soot that is blown. Hill noted the BOH has power now why the bylaw; LaGreca said Town Counsel Atty Mullen said a town mandate is more effective. Hill wants Nugent to be at next meeting and questioned why does the BOA need bylaw. Sullivan ready to vote favorable. LaGreca UPS uses 12 18-wheelers rest of trucks gas – Crystal 100 diesel trucks. Hill reiterated why this bylaw? LaGreca stated it took him a year to convince BOH they need the bylaw. **Mike Aranson 7 Durham Drive** stated he is a physician has reviewed literature, there is evidence that diesel fuel emissions are harmful, strongly supports bylaw, 100 feet is reasonable. **Todd Wetherbee 14 Hidden Valley** stated he lives across from UPS moved in after UPS; UPS put in buffer, on the web 9500 sites regarding diesel/cancer; he can live with UPS cannot live with 100 tractor trailers; have to pass bylaw to save lives. **Robin LaGreca** concerned about a facility not the truck that make a delivery may be can it be reworded. O’Neil can make a recommend with modifications. Harriss not this is a town bylaw not a zoning bylaw does not need Attorney General approval. *Motion by Hill seconded by Harriss the Board voted to postpone recommendation to Planning Board Meeting before the Special Town Meeting - 3 voted yea.*

Respectfully submitted


Kathy L. Randele, Secretary

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Lynnfield Planning Board Special Meeting, October 20, 2003

The special meeting of the Lynnfield Planning Board was held in Room 112 at the Middle School. Chairman, Richard J. O'Neil, Jr. called the meeting to order at 7:00 P.M. and adjourned at 10:45 P.M. Present: Chairman Richard J. O'Neil, Jr.; Vice Chairman Thomas G. Hill; Clerk Patrick J. Sullivan; Richard Dalton and Donald G. Harriss.

1. Sign Definitive Subdivision Plan "Road A" 550 Chestnut Street, Carl and Karen Johnson

Present Carl and Karen Johnson and Attorney John Kimball. Attorney Kimball submitted "Common Driveway Maintenance Agreement" Exhibit explaining the document will be recorded once the property is sold (two lot subdivision) and Supplemental Covenant that runs with the land. Changed subdivision name to "#550 Chestnut Street". Kimball stated 50% of roadway ownership will be assigned to each lot owner. *Motion by Hill, seconded by Dalton the Board unanimously voted to waive the clerk of the works fee from \$2,00 to \$500. Check from Karen Johnson. Motion by Harris, seconded by Hill the Board unanimously approved acceptance of the Supplemental Covenant and Common Driveway Maintenance Agreement.* Kimball stated all documents would be recorded with the Plan. The Board members signed the plan.

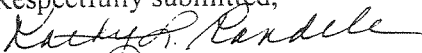
2. Continuance of Public Hearing Warrant Article Recommendations

Article 11 to amend Town Bylaws by adding Diesel Fuel bylaw: Hill questioned if Town Counsel Mullen has looked at this bylaw. O'Neil spoke with Bill Gustus and Town Counsel is reviewing. O'Neil limit discussion to is proposed bylaw appropriate, workable, enforceable. Sullivan feels that bylaw asks the Board of Health to look at this type of use. LaGreca stated he and his counsel have spoken to Town Counsel Mullen. O'Neil enforceable not overly broad; discussion enforcement. *Motion by Sullivan in favor of recommending, no second.*

Discussion: Harriss right idea not in favor; Dalton in favor of concept wants to hear from Town Counsel; Hill would like to postpone; need to hear Town Counsel opinion; can reconsider at meeting. *Motion by Hill, seconded by Harriss the Board voted to recommend indefinite postponement on Article 11 to the Special Town Meeting; four voted yea, Sullivan abstained.*

Article 10 to amend Zoning Bylaws by adding Hillside Bylaw: Discussion – some terms will be amended on the floor. *Motion by Harriss, seconded by Sullivan the Board voted to recommend Article 10 to the Special Town Meeting; four voted yea, O'Neil voted nay.*

Respectfully submitted,


Kathy L. Randeale, Secretary